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Malloy, Cuomo face off over dumping in Long Island Sound

By Ana Radelat

August 17, 2016

CT Mirror

Washington – New York officials say a plan to dump dredged material in eastern Long Island Sound is potentially harmful to the ecology and tourism, but Connecticut supporters say it's key to the state's economic development and to keeping Naval Submarine Base New London off a base closure list.

A feud between Gov. Dannel Malloy and New York Gov. Andrew Cuomo centers on an Environmental Protection Agency and Army Corps of Engineers proposal to keep open a 1.5-square-mile dump site located between the mouth of the Thames River and the southeastern tip of Fishers Island.

The site, as well as two others in the western and central sound, were slated to close in December, but the EPA decided to keep the western and central sites open for another 30 years.

The debate now centers on the remaining site.

At a press conference in New London on Wednesday, Malloy said the dumping could be handled in "an environmentally friendly way."

Malloy and other supporters of the plan say maritime activities generate \$4.8 billion in economic output and over 30,000 jobs in eastern Connecticut. They say without

access to a nearby placement site, eastern Connecticut dredging projects would face increased and often prohibitive costs from transporting materials to sites at further distances, as well as increased risks to the environment from spills and increased emissions.

But Cuomo said he will sue the EPA if it moves forward with its plan. The agency is reviewing public comments on its proposal and has not made a final determination.

"The Long Island Sound is one of New York's greatest natural treasures and a vital component of Long Island's tourism industry," Cuomo said at a press conference earlier this month. "The EPA's plan to establish a new disposal site not only poses a major threat to this ecologically vital habitat, but impedes our progress in ending open water dumping in Long Island's waters once and for all."

Adrienne Esposito, a founder of Citizens Campaign for the Environment, said she and other environmentalists are "adamantly opposed" to having a site in the eastern Sound because the EPA and Army Corps already have the central and western sites that have the capacity to handle all dredged material.

"We don't want Long Island Sound to be turned into a landfill," she said.

According to the EPA, dredging in eastern Long Island Sound is projected to generate approximately 22.6 million cubic yards of material over the next 30 years. The breakdown is 17.9 million cubic yards from Connecticut ports and harbors and 4.7 million from ports and harbors in New York.

In its plan, called the "Designation of Dredged Material Disposal Site(s) in Eastern Long Island Sound, Connecticut and New York," the EPA said there are alternative disposal sites – Niantic Bay and Cornfield Shoals – that have been used before. But the EPA said those sites are "in a highly dispersive environment," and disposal there is limited to certain types of sandy sediment that can also be used to replenish beaches.

Rep. Joe Courtney, D-2nd District, said there are safeguards in the EPA's plan to establish a long-term site in the eastern Sound that would allay the concerns of environmentalists who oppose the proposal. Courtney said the EPA and the Army

Corps of Engineers will carefully monitor the silt, sand, rock and mud dumped at the site.

"They set a lower bar for what could trigger [a ban on dumping,]" Courtney said.

The eastern site is also close to Electric Boat and the submarine base.

Supporters of the plan say submarine operations and construction efforts rely on the proper dredging of the Thames River and connected harbors.

In addition, the Navy plans to dredge approximately 60,000 cubic yards at Naval Submarine Base New London over the next few years to support the construction of a new pier to accommodate the newest Virginia class submarine.

Dumping the dredged material further away at the next closest site would double the cost, they say.

Courtney also said that in the last Base Realignment and Closure (BRAC) round, conducted in 2005, the Groton submarine base received the lowest score on harbor maintenance compared to other submarine bases, because of the temporary and short-term dredge disposal options available to the base.

"Getting this 30-year plan approved will get this issue off the table if there's a BRAC," Courtney said.

Meanwhile, Electric Boat President Jeff Geiger said his yard relies on deep-water access to receive construction material – and make final delivery of ships to the Navy.

Connecticut and New York clash over water disposal site By Mary O'Leary

August 17, 2016 at 8:04 PM

New Haven Register

NEW LONDON >> Gov. Dannel P. Malloy Wednesday said the state will fight any action by New York to close an open water disposal site that would serve the dredging needs of the maritime industry and the submarine base in Eastern Connecticut.

After eight years of study, the federal Environmental Protection Agency has recommended establishment of the Eastern Long Island Sound Disposal Site offshore from New London as an environmentally safe and cost-effective solution for an area that is heavily dependent upon water-related employment.

Malloy was one of a number of officials, including U.S. Rep. Joe Courtney, D-2, who gathered at the City Pier Wednesday to show solidarity for the federal plan, which they said is crucial to the future of the Naval Submarine Base and construction contracts awarded to Electric Boat.

Malloy was interrupted continually as he spoke by a train whistle as rail cars moved along a nearby track. The pier is located at the intersection of a port, an Amtrak station and ferry service.

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"Sooner or later, we will schedule one of these (press conferences) in between (the train) arrival," he said.

The governor said Eastern Connecticut depends on predictable dredging of its ports and harbors, where marine-related activity generates \$4.8 billion in economic output and supports more than 30,000 jobs.

Without this nearby disposal site, the costs would increase, as would the environmental risks from spills and carbon emissions, he said.

"We should share this great resource of Long Island Sound and we should do everything we can to keep all portions of it safe and navigable," Malloy said.

The governor said he would not support the plan if it wasn't environmentally safe. He said it has been vetted by both the EPA and the state Department of Energy and Environmental Protection.

"This stuff is tested, it is looked at, we understand what it is. ... There really are not two sides of this issue. This is a shared resource ... and we need to share the responsible disposal of the materials that need to be removed," Malloy said.

Courtney said the last-minute objection by New York to the plan is a reversal of the 35-year cooperation between the two states over safe dredging disposal. The EPA, as part of its report, said these past activities "have not resulted in unacceptable or unreasonable environmental degradation."

New Haven has started the approval process for deepening its harbor to accommodate larger vessels, with an eye toward increasing business at the private terminals there.

Judi Sheffele, who heads the New Haven Port Authority, said the port's use of the Central Long Island Sound Disposal Site is not in dispute.

But if that site was used on a regular basis by the Navy and other marine industries from Eastern Connecticut, it could negatively impact New Haven by filling it up ahead of schedule.

This would greatly increase the cost of disposal and skew a cost-benefit analysis if New Haven, at some time in the future, could no longer use the Central site.

Courtney said the 30-year plan put forth by the EPA balances all the interests. In its simplest form, Courtney said the proposal solves a mathematical problem.

He said there are about 23 million cubic yards of material that will have to be removed over three decades from the eastern region of Long Island Sound, 79 percent of it generated on the Connecticut side.

The plan has a preference for upland disposal to enhance beach areas and other on-land activities, with an estimated 40 percent falling into this category.

It is the remaining 60 percent that the EPA said is not suitable for those uses, but could be safely disposed of in an open water site.

New York disagrees with the EPA's total projected dredging needs of the Sound over three decades and argues that they can be accommodated at the Central and Western sites.

The EPA, however, has said the Central and Western Long Island disposal sites cannot take on the volume of material that will be generated. It said collectively they were never intended to meet the needs of the entire Long Island Sound region.

Courtney said there also is a new regional process in place that will review specific dredging plans as they come forward. "This plan is not rubber-stamping past practices," he said. "People will have a voice if there are real legitimate concerns."

Crucial to the area, Courtney said, is a dependable disposal site on which the Navy can depend, so the submarine base can survive the next federal base closing review process.

Malloy leads support for eastern Long Island Sound dredge disposal site

By Judy Benson

August 17, 2016 at 7:08 PM

The Day

New London — Declaring the establishment of a dredge disposal site crucial to eastern Connecticut's economy, Gov. Dannel P. Malloy led a list of speakers supporting the Environmental Protection Agency's plan for a location in eastern Long Island Sound and countering objections being raised by New York State.

"I would not be here if it hadn't been proven that this disposal site is the right place for Long Island Sound, and that it can be handled in an environmentally friendly way," Malloy said Wednesday morning, speaking at a news conference at City Pier attended by Rep. Joe Courtney, D-2nd District, several state lawmakers, mayors of New London and Groton City, marina owners and state Department of Energy and Environmental Protection officials.

Malloy, noting the location on the Thames River across from Electric Boat and just downriver from the Naval Submarine Base, the Coast Guard Academy and State Pier, with the Orient Point and Block Island ferries docking as he spoke, said keeping navigation channels, harbors and marinas cleared of accumulated sand and silt, then disposing of the material in an "efficient and cost-effective way," is needed to keep the region's entire marine economy viable. The maritime economy, he said, supports about 30,000 jobs per year.

The news conference is a response to an announcement Aug. 4 by New York Gov. Andrew M. Cuomo that his state will take legal action to prevent the EPA from designating a new open water disposal site. Earlier this summer, the EPA announced plans to finalize the 1.5-square-mile eastern Long Island Sound site, located between the mouth of the Thames River and the southeastern tip of Fishers Island, as the approved site for depositing dredge material once permits for the existing sites in the eastern Sound expire Dec. 23.

Cuomo's office said the letter, signed by more than 30 federal, state and local elected officials, provided notice to President Obama and EPA officials that New York believes the EPA has failed to show that there is need for an additional disposal site, and that the disposal site would threaten the eastern Sound as a popular tourist destination and ecologically vital area. Cuomo said his action continues the state's goal of eliminating all open water disposal in the Sound.

About 23 million cubic yards of sand, silt, rocks and mud not suitable for beach rebuilding and other upland uses will need to be disposed in the open-water site over the next 30 years, the EPA estimates.

People listen to Mayor Marian Galbraith of the City of Groton say a few words during a press conference held by Governor Dannel P. Malloy at City Pier in New London Wednesday, Aug. 17, 2016 in support of the EPA's proposed Eastern Long Island Sound Dredged Material Disposal Site. (Dana Jensen/The Day)

During Wednesday's news conference, Malloy said that if New York sues the EPA, Connecticut would join the EPA in defending the proposal.

"But I'm hoping this can be resolved" before a lawsuit, he said. Malloy said his office has not talked directly with Gov. Cuomo's office about the issue, but that "our environmental folks are having discussions."

The EPA plans to finalize the proposal by October, possibly with modifications, the EPA said last week.

Courtney said the EPA made its proposal after a "painstaking" eight-year process that incorporated input from stakeholders on both sides of the Sound. The proposal "is not just a rubber stamp of past practices," Courtney said, because it favors upland disposal whenever possible, and would create a Regional Disposal Team of experts who "would have a voice whenever there is a real concern." Permits must be obtained for each individual dredging project disposal, and contaminated material cannot be dumped in open-water sites.

Both he and Scott Bates, chairman of the Connecticut Port Authority, emphasized that the eastern disposal site is needed to preserve both the Groton Navy base and EB.

Two marina owners, Rives Potts of Brewer Yacht Yards, which has docks on both sides of the Sound, and Ron Helbig of Noank Village Boatyard, also an officer in the Connecticut Marine Trades Association, also spoke in favor of the proposed disposal site.

“Not opening this site would unfairly burden eastern Connecticut waterfront businesses,” Helbig said, causing many to incur prohibitive dredge disposal costs to transport the material to sites in the central and western Sound.

Potts said the plan simply allows sand and silt flowing into channels and harbors upstream to be relocated.

“God is bringing the sediment down, and we’re giving it back,” he said.

Malloy conceded that he understood why some in New York object to open water disposal in the shared waters of the Sound, since about 75 percent of the material that will need to be scooped out comes from Connecticut waterways.

“But we’ll damage the economy of the entire area, not just Connecticut but also Rhode Island and New York” if the eastern Sound site is not available.

“This is a shared resource needed to keep Long Island Sound harbors safe,” he said.

Cuomo’s announcement came after the EPA’s deadline for comments on its proposal. On July 18, before the deadline, the New York Department of State said in a letter to the EPA that it “is fully supportive of dredging for maintaining” water-dependent uses and navigation infrastructure, and is “committed to working with all partners to secure a path forward for achievable, measurable reductions in open water disposal over time.”

The agency said that while it did not support the EPA's chosen site, which is in Connecticut waters but near the boundary between the two states, it would support designating a site in Niantic Bay as the long-term disposal site. Connecticut and EPA officials say that location is unsuitable because it is too small, among other reasons.

The New York agency also took issue with the EPA's analysis of the amount of dredge material that would need to be disposed of in open-water areas over the next 30 years, and argued that two existing open sites in the central and western Sound have sufficient capacity for this material. It advocated for greater use of methods to expand on-land disposal, and faulted the EPA for its analysis of the effects of the new dredge site on sensitive habitats near Fishers Island.

In a statement Wednesday, New York said it "maintains its steadfast opposition" to the EPA's plan.

"The EPA's plan to establish a new disposal site not only poses a major threat to this ecologically vital habitat, but impedes our progress in ending open water dumping in Long Island's waters once and for all," the statement said. "This State is committed to ensuring the Sound remains a viable source of economic and tourist activity and we will continue to take any action necessary to preserve this precious jewel for generations to come."

For region's sake, Malloy needs to overcome Cuomo's dredge locks

Editorial Board

August 17, 2016 at 5:19 PM

The Day

Scott Bates, chairman of the newly created Connecticut Port Authority, spoke plainly Wednesday in assessing the damage that New York State would cause our region if officials there were successful in blocking plans for the disposal of materials dredged from eastern Long Island Sound.

“The result of their actions, if allowed to run unchecked, would be economic devastation for eastern Connecticut’s shoreline economy,” said Bates, speaking at a news conference held at New London City Pier to show the bipartisan political support in the region in favor of the disposal plan.

Both Democratic and Republican state senators and representatives, as well as local elected leaders of both parties, attended the event, the broadest political support any effort has received since the successful fight to get the Naval Submarine Base in Groton off the Pentagon’s closure list a decade ago. Also attending were Gov. Dannel P. Malloy and Second District Congressman Joe Courtney, both Democrats.

It may well be the most important policy fight since “Save the Base.” Without a local and cost-effective plan for disposing of dredged materials, the submarine base could again become vulnerable to closure efforts, the viability of Electric Boat’s Groton shipyard would be threatened, and New London’s port would fall short of its potential for increased commerce.

The many small private marinas that dot our local coastline, and which must periodically remove sediments to remain in business, could see their business models collapse.

According to information provided at Wednesday’s news conference, these activities generate \$4.8 billion in economic input and more than 30,000 jobs in our region, accounting for 92 percent of all navigation-dependent economic activity and jobs in eastern Long Island Sound.

Which is part of the problem. New York State has far less to lose economically if engineers do not adequately develop plans for handling dredged materials in a timely fashion. Because of the currents that carry sediment and the nature of shoreline development over a century, nearly 80 percent of the dredged materials that the Environmental Protection Agency expects will require open-water placement over the next 30 years will come from eastern Connecticut projects.

After many years of study, the EPA recommends the disposal of dredged materials from the region's harbors, ports and channels at a 1.5-square-mile site between the mouth of the Thames River and the southwestern end of Fishers Island. The new disposal location would replace the nearby Cornfield Shoals dump site and one off Old Saybrook. Those disposal sites have reached their permit limits and must close at the end of December.

But Alphonso David, chief counsel for New York Gov. Andrew M. Cuomo, has said New York is prepared to sue if EPA gives final approval to the plan.

While the proposed disposal location would be in Connecticut waters, it would be near the New York border and in boat traffic lanes. Environmental officials in New York question its need. They contend the EPA is overestimating how much dredged material will have to be removed over the next three decades, arguing that existing disposal sites in the central and western Sound have the capacity to handle it.

New York officials also argue more can be done to use dredged materials to replenish beaches and for other shoreline uses, reducing disposal needs.

The EPA, however, well documents that a third site is necessary and it does have plans for on-shore uses when possible. The cost of transporting locally dredged materials to the other locations would be prohibitive.

New York authorities also have tossed out the possibility of instead using Niantic Bay if another disposal site is needed, a suggestion that to us makes no sense.

Asked if he had reached out to his Democratic counterpart, Gov. Cuomo, to try to reach a compromise short of litigation, Malloy gave a dodgy answer that amounted to "no." His environmental people are talking to Cuomo's environmental people, Malloy explained.

Given the stakes, Malloy should be making a direct appeal to Cuomo. New York's

position is unreasonable. For the good of both states and their relationship, Malloy needs to try to convince Cuomo of that fact.

Eastern Connecticut Marine Industries Call For Dredging Plan to Move Forward

WNPR

By Harriet Jones

August 18th, 2016 at 9:30 AM

Connecticut is prepared to go to court with the state of New York over the right to dump dredged materials in eastern Long Island Sound.

Connecticut's ports, Navy base, submarine yard and other marine facilities have a long-term natural problem: the water they depend on is getting shallower. Sand and other sediments get deposited by the action of rivers and the Sound, and periodically it has to be scooped out, or dredged.

The issue is what to do with that excess material, some 23 million cubic yards of it over the next 30 years.

A plan recently unveiled by the federal Environmental Protection Agency, in partnership with the Army Corps of Engineers, proposes to designate a deep water site in eastern Long Island Sound to receive some of it.

That's unpopular with some environmentalists, who say the material is too polluted, and the state of New York recently threatened to sue the EPA if it moves forward.

But eastern Connecticut's marine industries are ramping up the pressure to approve the plan. Reeves Potts of Brewer Yacht Yards told a news conference

Wednesday the dredging is essential for marinas and other businesses on the Connecticut shoreline. He said he's confident the plan does safeguard the environment. "I don't think there's anybody in this crowd or anybody in the state of Connecticut that feels any stronger than I do, or the people in our industry, about keeping Long Island Sound clean," said Potts.

Inadequate dredging of a channel from the Thames River to the Sound was identified as an issue for Naval Base New London, as the military tried to close it in 2005.

Rep. Joe Courtney, from Connecticut's 2nd congressional district, said the EPA's plan is essential for the future of the base when there's a future round of closures. "At some point a BRAC is coming," he told the crowd, "and we need to take this issue off the list. And that's exactly what this plan does."

Courtney says any toxic materials that are dredged will be tested and contained under the plan, and the bulk of the material can still be used on land for things like beach restoration.

Gov. Dannel Malloy said the state stands ready to defend the plan against its neighbor. "Minor adjustments to the plan are things that could be talked about," he said. "But we need a site, so if they're threatening to go to court, I can assure you that the state of Connecticut will participate in supporting the Environmental Protection Agency's position."

The eastern site would be one of several deep water disposal site designated in the Sound.